

### Remarks/Arguments

#### I. Response to Rejections under 35 USC §102(e)

At page 3 of the Office Action, claims 1, 2, 12, and 30 are rejected under 35 USC § 102(e) as being anticipated by "Taylor" (U.S. Published Patent Application No. 20020109677). The Applicant respectfully traverses this rejection since Taylor does not disclose all of the limitations of the Applicants' claimed invention. More specifically, Taylor does not disclose a method for permitting access to an electronic system by way of a touchpad that includes "receiving a sequence of characters that represent the movements of a user's finger tracing a pattern on said touchpad, said pattern **including at least one pause**", as recited in amended independent claim 1. Nor does Taylor disclose an electronic system that enters an operational mode based on inputs from a touchpad that includes "a signal conditioner for receiving a sequence of characters that represent the movements of a user's finger tracing a pattern on said touchpad, **said pattern including at least one pause**", as recited in amended independent claim 12. Nor does Taylor disclose "a program storage device readable by a machine, tangibly embodying a program of instructions executable by said machine to perform method steps for directing a portable computer to enter an operational mode, the method comprising... permitting access to an operating mode of said computing device when said comparing action determines that said received sequence of characters representing movements... **said pattern including at least one pause**", as recited in amended independent claim 30.

At page 3, item 4 of the Office Action, the Examiner asserts that Taylor, at paragraph 22 lines 4-14 and at paragraph 19 makes equivalent the terms "*liftover*" and "*pause*" in order to allege that Taylor anticipates the Applicant's claims. The Applicants respectfully traverse the basis for this assertion based on implicit definitions of the terms "liftover" and "pause" as they are used in the cited reference and the instant Application.

In Taylor, at paragraph 55, last sentence, Taylor asserts that "the touchpad also includes whatever hardware and/or programming that is necessary to detect touchdowns, movement, and lift off from the zones." Thus, Applicants respectfully

assert that the term "liftover" is implicitly defined in Taylor as *a movement of the finger off of the touchpad*.

In contrast, the Applicants specification includes no equating of the term "lift off" with "pause". See for example paragraph 35 of the Applicants published patent application in which the Applicant discloses "the pattern of Figure 7A is discontinuous and thus requires that the user momentarily **lift** his or her finger above touchpad 305 in order to complete the pattern". Thus, *the Applicant specifically excluded a lift of the finger from the notion of a "pause"* as described at the end of paragraph 37 of the Applicant's specification, wherein the Applicant states that "pattern 310 may include at least one pause at some point in the pattern".

The Applicant asserts that the Examiner is stretching the definition of "lift over" to encompass the Applicants claim term "pause". This is neither a reasonable nor fair interpretation of the claim term. In paragraph 37, the Applicant specifically disclosed that some movements may be "smooth and fluent", so as to distinguish the "pause" from movements that might be "smooth and fluent."

Accordingly, the Applicant respectfully requests that the Examiner fairly interpret the prior art, and refrain from stretching the term "liftover" to encompass "pause", as the term is used in the Applicants specification and claims, and pass this application onto allowance.

*The Applicant may be amenable to alternate or additional wording of the claims in order to better distinguish the present application from the cited art. In the event of a continuing rejection, the Applicant requests that the Examiner telephone the Applicant's agent so that alternate wording of the claims can be discussed.*

## **II. Response to Rejections under 35 USC §103(a)**

At page 3 of the Office Action, claims 6 and 31 are rejected under 35 USC § 103(a) as being anticipated by "Taylor" (U.S. Published Patent Application No. 20020109677) in view of Angelo (US Patent number 5960084). The Applicants respectfully traverse this rejection since the cited references, taken either singly or in combination, do not disclose the Applicant's claimed invention.

As previously discussed hereinabove, Taylor does not disclose a method for permitting access to an electronic system by way of a touchpad that includes "receiving a sequence of characters that represent the movements of a user's finger tracing a pattern on said touchpad, said pattern **including at least one pause**", as recited in amended independent claim 1. Nor does Taylor disclose an electronic system that enters an operational mode based on inputs from a touchpad that includes "a signal conditioner for receiving a sequence of characters that represent the movements of a user's finger tracing a pattern on said touchpad, **said pattern including at least one pause**", as recited in amended independent claim 12. Nor does Taylor disclose "a program storage device readable by a machine, tangibly embodying a program of instructions executable by said machine to perform method steps for directing a portable computer to enter an operational mode, the method comprising... permitting access to an operating mode of said computing device when said comparing action determines that said received sequence of characters representing movements... **said pattern including at least one pause**", as recited in amended independent claim 30.

In Angelo a secure method for enabling/disabling power to a computer system following two-piece user verification is disclosed. However, at no point in Angelo is there any mention of the use of a pattern traced on a touch pad in which "said pattern including at least one pause", as recited in amended independent claim 1, 12, and 30.

When the references are combined, the combination does not disclose the claimed invention. Since neither reference fairly or reasonably includes mention of pattern traced on a touch pad wherein "said pattern including at least one pause", as recited in amended independent claim 1, 12, and 30, these references cannot be combined to teach the missing element.

Accordingly, the Applicant respectfully requests that the Examiner withdraw all rejections to the claims and pass this Application onto allowance.

**III. Additional Fees:**

It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully Submitted,

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